

REMARKS

Introductory Remarks

Claim 15 has been amended as shown in the Listing of Claims section and new claims 16-17 have been added. Accordingly, claims 15-17 are currently pending in the application and claim 15 is the only independent claim.

Applicant respectfully submits that the above amendments do not add new matter to the application and are fully supported by the specification. Support for the amendment to claim 15 may be found in the specification at least at pages 14-15. New claims 16 and 17 include limitations from previous claim 15. In view of the above amendments and the following Remarks, Applicants respectfully request reconsideration for the reasons discussed below.

Rejections Under 35 U.S.C. §112, second paragraph

Claim 15 stands rejected under 35 U.S.C. §112, second paragraph as being indefinite. In particular the office action states that the “[i]t is not clear how the carbon foam has a first and second density.” Office Action, page 2. Applicants respectfully traverse this rejection for at least the following reasons.

Claim 2 has been amended to clarify that the coal-based cellular product has a graded density. The concept of a material having a graded density, i.e., different densities, is taught in the specification from pages 12 to 15.

Additionally, the Office Action indicated that no antecedent support for certain claim limitations was present and that the claim contained an improper Markush group. Claim 15 has been amended to correct these formalities. Applicant respectfully submits that claim 15

complies with 35 U.S.C. § 112, second paragraph. Applicant respectfully requests withdrawal of the 35 U.S.C. §112, second paragraph rejection of claim 15.

Obviousness Type Double Patenting

Claim 15 stands rejected under the judicially created doctrine of obviousness type double patenting over claims 1-6 and 14 of U.S. Patent No. 6,861,151. The present application and U.S. Patent No. 6,861,151 are currently commonly owned and were commonly owned at the time of the present invention. Applicants respectfully request that this rejection be held in abeyance until claims in the present application are otherwise in condition for allowance. Upon an indication of allowability of the pending claim, if necessary a terminal disclaimer will be filed to overcome this provisional rejection.

Extension of Time

A Petition for a three (3)-month extension of time under 37 C.F.R. §1.136(a) is filed herewith extending the period for response through July 17, 2007. It is not believed that any further extensions of time are required other than those in the accompanying Petition. If extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. §1.136(a). Any fees required for extensions of time and any fees for the net addition of claims are hereby authorized to be charged to Deposit Account No. 503310.

Conclusion

Applicant believes that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated objections and grounds for rejection have been overcome or rendered moot. Should the Examiner feel that there are any issues outstanding after consideration of this Reply, the Examiner is invited to contact the Applicant's undersigned representative at the number below to expedite prosecution. Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,



Philip D. Lane
Reg. No. 41,140

Date: July 16, 2007

Philip D. Lane
P.O. Box 79318
Charlotte, NC 28271-7063
Tel: 704-301-5007
Fax: 704-843-2318